

-----X  
ZIM AMERICAN INTEGRATED  
SHIPPING SERVICES, INC.,

Plaintiff,

- against -

SUNBELT MACHINERY, INC.,

Defendant.  
-----X

07 CIV. 3670 (BAER)

DEFAULT JUDGMENT

This action having been commenced by the filing of a Summons and Complaint, and a copy of the Summons and Complaint having been served on defendant SUNBELT MACHINERY, INC. on May 14, 2006 by personal service on MaryAnn Davis Hoe, person authorized to accept, and proof of service having been filed, and the defendant not having answered the Complaint, and the time for answering the Complaint having expired,

Now on motion of the Law Offices of Albert J. Avallone & Associates, attorneys for the plaintiff, it is

ORDERED, ADJUDGED AND DECREED that the plaintiff ZIM AMERICAN INTEGRATED SHIPPING SERVICES, INC. have judgment against defendant SUNBELT MACHINERY, INC. in the liquidated amount of \$24,454.00, with interest at 6% from October 2, 2006 amounting to \$2,492.30, plus the costs and disbursements of this action in the amount of \$575.00, amounting in all to \$27,521.30.

Dated: New York, New York  
June , 2007

\_\_\_\_\_  
U.S.D.J.

2-751164  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
ZIM AMERICAN INTEGRATED  
SHIPPING SERVICES, INC.,

07 Civ. 3670 (BAER)

Plaintiff,

- against

AFFIDAVIT

SUNBELT MACHINERY, INC.,

Defendant,  
-----X

STATE OF VIRGINIA                    }  
INDEPENDENT CITY                    } ss:

ADRIENNE JAMES, being duly sworn, deposes and says:

1. I am the Manager of Credit and Collections for ZIM AMERICAN INTEGRATED SHIPPING SERVICES, INC., the plaintiff in the referenced matter. As such, I am personally familiar with the facts and circumstances herein, and I make this affidavit in support of ZIM's Motion for Final Judgment by Default against defendant SUNBELT MACHINERY, INC.

2. ZIM's records show that defendant SUNBELT MACHINERY, INC. was the shipper of goods carried on plaintiff's Vessels, and is the party responsible to remit the ocean freight and related charges due as set forth in the Complaint. Such charges are true and accurate pursuant to ZIM's published tariff, are the responsibility of defendant SUNBELT MACHINERY, INC.

WHEREFORE, plaintiff prays for the entry of judgment by default  
against defendant SUNBELT MACHINERY, INC.

Dated: Norfolk, Virginia  
June 4, 2007

  
Adrienne James

Sworn to before me this  
13<sup>th</sup> day of June, 2007

  
Notary Public

My commission expires 1-31-10

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ZIM AMERICAN INTEGRATED  
SHIPPING SERVICES, INC.,

07 CIV. 3670 (BAER)

Plaintiff.  
- against -

**AFFIDAVIT FOR  
JUDGMENT BY  
DEFAULT**

SUNBELT MACHINERY, INC.,

Defendant.  
-----X

STATE OF NEW YORK        }  
COUNTY OF NEW YORK    } SS.:

ALBERT J. AVALLONE, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and am a member of the firm of the Law Offices of Albert J. Avallone & Associates, attorneys for the plaintiff in the above entitled action, and I am familiar with all the facts and circumstances in this action.

2. I make this affidavit in support of plaintiff's application for the entry of a default judgment against defendant SUNBELT MACHINERY, INC.

3. This is an action to recover unpaid ocean freight owed by defendant to plaintiff for the transportation of certain goods of the defendant by the plaintiff.

4. Jurisdiction of the subject matter of this action is based on maritime jurisdiction.

5. This action was commenced by the filing of a Summons and Complaint. A copy of the Summons and Complaint was served on defendant SUNBELT MACHINERY, INC. on My 14, 2007 by personal service on MaryAnn Davis Hoe, person authorized to accept, and a proof of service was filed. The defendant has not answered the Complaint and the time for the defendant to answer the Complaint has expired.

6. This action seeks judgment for the liquidated amount of \$24,454.00, plus interest at 6% from October 2, 2006, as shown by the annexed Statement, which is justly due and owing, and no part of which has been paid except as therein set forth.


7. The disbursements sought to be taxed have been made in this action or will necessarily be made or incurred herein.

WHEREFORE, plaintiff requests the entry of Default and the entry of the annexed Judgment against defendant.

Dated: New York, New York  
June 14, 2007

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ALBERT J. AVALLONE

Sworn to before me this  
14th day of July, 2007

  
-----  
Notary Public

DOROTHY C. MERITE  
Notary Public, State of New York  
No. 31-496199  
Qualified in New York, Egypt  
My Commission Expires 12/31/10

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ZIM AMERICAN INTEGRATED  
SHIPPING SERVICES, INC.,

07 CIV. 3670 (BAER)

Plaintiff,

- against -

SUNBELT MACHINERY, INC.,

Defendant.  
-----X

STATE OF NEW YORK        }  
COUNTY OF NEW YORK    } SS.:

ALBERT J. AVALLONE, being duly sworn, deposes and says:

I am a member of the Bar of the Court and am a member of the firm of the Law Offices of Albert J. Avallone & Associates, attorneys for the plaintiff. As such, I am familiar with the facts and circumstances in the above entitled action.

Jurisdiction of plaintiff's claim is based upon maritime jurisdiction.

In my opinion, this Court has jurisdiction over the person and subject matter of this action.

Dated: New York, New York  
June 14, 2007

  
\_\_\_\_\_  
ALBERT J. AVALLONE

Sworn to before me this  
14th day of June, 2007

  
\_\_\_\_\_  
Notary Public

DOROTHY C. MERITE  
Notary Public, State of New York  
No. 31-4061093  
Qualified in New York County  
My Commission Expires 2/12/10

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ZIM AMERICAN INTEGRATED  
SHIPPING SERVICES, INC.,

07 CIV. 3670 (BAER)

Plaintiff,  
- against -

STATEMENT

SUNBELT MACHINERY, INC.,

Defendant.  
-----X

Principal Amount Sued For.....\$3,743.00  
Interest at 6% from October 2, 2006  
through June 14, 2007.....\$2,492.30

Disbursements:

Clerk's Fee.....\$350.00  
Process Server.....\$225.00

Total (as of June 14, 2007).....\$27,521.30

Dated: New York, New York  
June 14, 2007

LAW OFFICES OF  
ALBERT J. AVALLONE & ASSOCIATES

By\_\_\_\_\_

  
Albert J. Avallone - AA1679  
Attorneys for Plaintiff  
ZIM AMERICAN INTEGRATED  
SHIPPING SERVICES, INC.  
551 Fifth Avenue, Suite 1625  
New York, NY 10176  
(212) 696-1760

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ZIM AMERICAN INTEGRATED  
SHIPPING SERVICES, INC.,

Plaintiff,

- against -

SUNBELT MACHINERY, INC.,

Defendant  
-----X

07 CIV. 3670 (BAER)

CLERK CERTIFICATE

I, J. MICHAEL McMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that the docket entries in the above entitled action indicate that the Summons and Complaint herein were filed on MY 9, 2007, and that defendant SUNBELT MACHINERY, INC. was served with copies of the Summons and Complaint on May 14, 2007 by personal service on MaryAnn Davis Hoe, person authorized to accept. I further certify that the docket entries indicate that the defendant has not filed an answer to the Complaint herein, and that the time to answer the Complaint has expired. The default of the defendant is hereby noted.

Dated: New York, New York  
June , 2007

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Clerk



CITY OF NEW YORK )  
STATE OF NEW YORK ) SS:  
COUNTY OF NEW YORK )

Albert J. Avallone, being duly sworn, deposes and says that he is a member of the Law Offices of Albert J. Avallone & Associates, attorneys for plaintiff herein.

That on the 14th day of June, 2007, he served the within

application for judgment by default

upon the following:

Sunbelt Machinery  
4345 Granby Way  
Marietta, GA 30062-8150  
Attn: Dudley D. Benson, President

by depositing (a) true copy(ies) of the same securely enclosed in (a) postpaid wrapper(s) in a Post Office Box regularly maintained by the United States Government at 551 Fifth Avenue, New York, NY 10176, directed to the above mentioned individual(s) at his (their) respective address(es) above, that (these) being the address(es) within the State designated by him (them) for that purpose upon the preceeding papers in this action or the place where he (they) then kept an office, between such places, there then was and now is a regular communication by mail.

Deponent is over the age of 18 years.



Sworn to before me this  
14th day of JUNE, 2007



DOROTHY C. MERITE  
Notary Public, State of New York  
No. 31-6881997  
Qualified in New York County  
My Commission Expires 12/31/2010